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BANGALORE, TUESDAY, SEPTEMBER 5, 1950

NOTIFICATION.

Bangalore dated 5th September 1950.

The following notices are issued under Rule 5* of the "Representation of the People (Preparation of Electoral Rolls) Rules, 1950" and persons referred to therein are invited to fill in Form II or Form IV as the case may be and to arrange the same to be forwarded to the undersigned within the date and in the manner prescribed hereunder.

J. B. MALLARADHYA,
Commissioner of Economic Development and Planning and Chief Electoral Officer for Mysore State.

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* RULE 5.—*Notice inviting statements under Section 20 of Act.*—(1) In the case of an electoral roll first prepared under the Act, the Chief Electoral Officer for the State shall, as soon as may be after the commencement of these rules, and in the case of every electoral roll subsequently prepared under the Act, the Chief Electoral Officer for the State shall, before the preparation of such roll is taken in hand, cause a notice in Form I to be published inviting every person who—

(i) is a member of the Armed Forces of the Union, or

(ii) is holding any such office as is referred to in sub-section (4) of Section 20 of the Act, or

(iii) is employed under the Government of India in a post outside India, and desires to be registered in the electoral roll for the constituency in that State in which, but for his service in the Armed Forces or but for the holding of any such office or employment, as the case may be, he would have been ordinarily resident during the qualifying period or on the qualifying date, to submit the statement referred to in sub-section (5) of that section to the Electoral Registration Officer of the said constituency within the time to be specified in that behalf in the notice. Every such statement shall be in Form II and shall be verified in the manner specified in the Form.

(2) As soon as may be after the commencement of these rules, the Chief Electoral Officer shall, for the purpose of the preparation of the electoral rolls to be first prepared under the Act, cause a notice in Form III to be published inviting every person referred to in sub-section (7) of section 20 of the Act who desires to be registered in the electoral roll for any constituency other than the constituency in which he was resident on the twenty-fifth day of July 1949, to submit to the Electoral Registration Officer of the constituency in the State in which he desires to be registered within the time to be specified in that behalf in the notice a statement in Form IV, specifying the constituency in the State in which he so desires to be registered.

(3) Every notice issued under sub-rule (1) or sub-rule (2) shall be published in such manner and at such place as the Election Commission may direct, and the time to be specified in the notice within which the statement is to be submitted shall not be less than twenty-one days from the publication of the notice.

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OFFICE OF THE COMMISSIONER OF ECONOMIC DEVELOPMENT AND PLANNING AND CHIEF ELECTORAL OFFICER OF MYSORE, OLD RESIDENCY COURT BUILDINGS, CIVIL STATION, BANGALORE.

FORM I

Notice.

Under Rule 5 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950.

For the purpose of preparation of the electoral rolls for the Parliamentary constituencies, the Assembly constituencies and the Council constituencies in the State of Mysore every person who is a member of the Armed Forces of the Union or is holding any office in India declared by the President to be an office to which the provisions of sub-section (4) of section 20 of the Representation of the People Act, 1950 (XLIII of 1950), apply or is employed under the Government of India in a post outside India and who desires to be registered in the electoral roll of a constituency in Mysore State in view of the provisions contained in sub-section (3) or sub-section (4) of the said section, or whose wife desires to be registered in the electoral roll of the said constituency in view of the provisions contained in sub-section (6) of the said section, is invited to submit a statement in Form II through the appropriate officer so as to reach the Chief Electoral Officer of Mysore not later than the 30th day of September 1950.

J. B. MALLARADHYA,
Commissioner of Economic Development and Planning and Chief Electoral Officer for Mysore State.

Bangalore (Place),
Dated 5th September 1950.

NOTE.—Copies of Form II will be supplied free by the Chief Electoral Officer on application.

The Representation of the People Act, 1950.

Section 20.—(3) A member of the Armed Forces of the Union while living in any barrack, building or place belonging to, or provided by, the Government shall not be deemed to be ordinarily resident in the constituency within which such barrack, building or place is situate, but shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for his service in the Armed Forces, he would have been ordinarily resident during that period or on that date.

(4) Any person holding any office in India declared by the President in consultation with the Election Commission to be an office to which the provisions of this sub-section apply, or any person who is employed under the Government of India in a post outside India, shall be deemed to be ordinarily resident during any period or on any date in the constituency in which, but for the holding of any such office or employment, he would have been ordinarily resident during that period or on that date.

(6) The wife of any such person as is referred to in sub-section (3) or sub-section (4) shall, if she be ordinarily residing with such person during any period, be deemed to be ordinarily resident during that period in the constituency specified by such person under sub-section (5).

FORM II.

STATEMENT BY A MEMBER OF THE ARMED FORCES OR BY AN OFFICER HOLDING AN OFFICE IN INDIA DECLARED BY THE PRESIDENT TO BE AN OFFICE THE HOLDER OF WHICH WILL BE DEEMED TO BE ORDINARILY RESIDENT IN THE CONSTITUENCY WHERE, BUT FOR THE HOLDING OF SUCH OFFICE, HE WOULD HAVE BEEN ORDINARILY RESIDENT, OR BY A PERSON EMPLOYED UNDER THE GOVERNMENT OF INDIA IN A POST OUTSIDE INDIA.

(Rules 5 and 11).

I*————————son of/wife of/daughter of————————

serving in

————————†holding the office of————————

employed in

declare that, but for my service in the Armed Forces/holding such office/holding such employment, I would ordinarily have resided at No.————Street————————Ward No.————Town————in village/Ward————————of‡ ————District————of the State————((during §.————within the qualifying period, that is, from the 1st day of————19—to the————day of ————19—. I also declare that I am a citizen of India, that I was not less than 21 years of age on the qualifying date, that is, the 1st day of March 19 [and that my wife**————————, who ordinarily resided with me during————within the aforesaid qualifying period is also a citizen of India and was also not less than 21 years of age on the qualifying date, the said 1st day of March 19])) [[on the qualifying date that is, the 1st day of April, 19—. I also declare that I am a citizen of India.]]

The above particulars are true and correct in all respects.

Signature in full.

.....(Place),

Dated.....

((Not for council constituencies.))
[Strike off if not necessary.]
[[For Constituencies only.]]
*Here insert full name.
†Here insert the name of Regiment/office/post.
‡Here insert Taluk, Union, Municipality, Zail, Thana or any other local area.
§Here enter any period of 180 days within the qualifying period.
**Here insert full name.

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VERIFICATION BY THE OFFICER-IN-CHARGE OF THE REGIMENT OR BY THE HEAD OF THE OFFICE OR BY A DIPLOMATIC OR CONSULAR REPRESENTATIVE OF INDIA.

I have verified the statement made above and found the same to be correct.

I have satisfied myself that the declarant is a citizen of India under article ——— ———of the Constitution [and his wife is a citizen of India under article ———of the Constitution. She also ordinarily resided with the declarant during the period above-mentioned].

Signature and official designation of Officer-in-Charge of the Regiment/Head of the Office/Diplomatic or Consular Representative.

.....(Place),

Date.....

[ ] Strike off if not necessary.

NOTE (1).—This statement should be made in duplicate in the case of a member of the Armed Forces of the Union. One copy should be retained in the Regimental Headquarters or the office of the Verifying Officer and the other should be forwarded by the Verifying Officer to the Chief Electoral Officer of the State along with the list of persons eligible to be enrolled in all constituencies within that State.

NOTE (2).—Any person, who makes a false declaration, or gives information which he knows or believes to be false or does not believe to be true is liable to be punished under Section 199 and/or 182, I.P.C.

The Representation of the People Act, 1950.

Section 21.—Meaning of "qualifying date" and "qualifying period".—For the purpose of this Part, the qualifying date and the qualifying period,—

(*a*) in the case of electoral rolls first prepared under this Act shall be the 1st day of March, 1950, and the period beginning on the 1st day of April, 1947, and ending on the 31st day of December, 1949, respectively; and

(*b*) in the case of every electoral roll subsequently prepared under this Act, shall be the 1st day of March of the year in which it is prepared, and the year immediately preceding that year, respectively.

FORM III 6

NOTICE

[Under Rule 5 of the Representation of the People (Preparation of Electoral Rolls) Rules, 1950.]

For the purpose of preparation of the electoral rolls for the Parliamentary constituencies, Assembly constituencies and Council constituencies, in the State of Mysore, every person who is a citizen of India and has migrated from the territory of Pakistan into the territory of India before the 25th day of July 1949, on account of disturbances or fear of disturbances in his former place of residence and who desires to be registered in the electoral roll for a constituency in Mysore State other than the constituency in which he was resident on the said date in accordance with the provision contained in sub-section (7) of section 2) of the Representation of the People Act, 1950 (XLIII of 1950), is invited to submit a statement in Form IV to the Chief Electoral Officer of Mysore so as to reach him not later than the 30th day of September 1950.

J. B. MALLARADHYA,

Commissioner of Economic Development and Planning and Chief Electoral Officer of Mysore State.

Bangalore, (Place),

Dated 5th September 1950

NOTE.—Copies of Form IV will be supplied free by the Chief Electoral Officer, Mysore State on application.

The Representation of the People Act, 1950:

Section 20.—(7) For the purposes of the electoral rolls first prepared under this Act, a person who is a citizen of India and has migrated from the territory of Pakistan into the territory of India before the 25th day of July, 1949, on account of disturbances or fear of disturbances in his former place of residence shall be deemed to have been ordinarily resident during any period or on any date in the constituency in which he was resident on the said day or, if any other constituency is specified by him in this behalf in the prescribed form and manner, in that other constituency.

FORM IV.

STATEMENT BY A PERSON WHO IS A CITIZEN OF INDIA AND HAS MIGRATED FROM THE TERRITORY OF PAKISTAN INTO THE TERRITORY OF INDIA BEFORE THE 25TH JULY 1949, ON ACCOUNT OF DISTURBANCES OR FEAR OF DISTURBANCES IN HIS FORMER PLACE OF RESIDENCE, SPECIFYING THE CONSTITUENCY IN WHICH HE SHOULD BE DEEMED TO BE ORDINARILY RESIDENT FOR THE PURPOSE OF REGISTRATION IN THE ELECTORAL ROLL FOR THAT CONSTITUENCY.

(*Rules 5 and 11*).

I* ..... son of / wife of / daughter of..... declare that I am a citizen of India under clause (*a*) and sub-clause (i) / sub-clause (ii) of clause (*b*) of article 6 of the Constitution, ((that I was not less than 21 years of age on the 1st day of March, 1950)) and that I have migrated from the territory of Pakistan into the territory of India on ‡ ..... on account of disturbances or fear of disturbances in my former place of residence at..... [I submit herewith original / certified copy of the citizenship certificate granted to me under sub-clause (ii) of clause (*b*) of article 6 of the Constitution.]

My name has ~~not been included in the electoral roll for any Parliamentary constituency/~~ been included in the electoral roll for Parliamentary constituency/ Assembly constituency/Council constituency in the State of .... Assembly constituency/..... ..... Council constituency in the State of.....

((I am at present residing in..... and I may be deemed to be ordinarily resident in † ..... in .....Parliamentary constituency/ ....Assembly constituency during the qualifying period, that is, from the 1st day of April 1947, to 31st day of December 1949, for the purpose of my registration in the electoral roll for that constituency.))

[(I am at present residing in .....and I may be deemed to be ordinarily resident in..... in ..... Council constituency on the qualifying date, that is, first day of April 1950, for the purpose of my registration in the electoral roll for that constituency.)]

[I have applied separately to the Electoral Registration Officer of..... Parliamentary constituency/.....Assembly constituency/..... Council constituency for the exclusion of my name from the electoral roll for that constituency.]

DECLARATION.

The above particulars are true and correct in all respects.

.....(Place),

Date..... *Signature in full*

((Not for Council constituencies.))
[(For Council constituencies only.)]
[Strike off if not necessary.]
* Here insert the full name.
‡ Here insert the date.
† Here insert name of place.

NOTE.—Any person who makes a false declaration or gives information which he knows or believes to be false, or does not believe to be true, is liable to be punished under Section 199 and/ or 182, I.P.C.

Articles 6 and 7 of the Constitution.

Rights of citizenship of certain persons who have migrated to India from Pakistan.

6. Notwithstanding anything in article 5, a person who has migrated to the territory of India from the territory now included in Pakistan shall be deemed to be a citizen of India at the commencement of this Constitution, if—

(*a*) he or either of his parents or any of his grand parents was born in India as defined in the Government of India Act, 1935 (as originally enacted); and

(*b*) (i) in the case where such person has so migrated before the nineteenth day of July 1948, he has been ordinarily resident in the territory of India since the date of his migration, or

(ii) in the case where such person has so migrated on or after the nineteenth day of July 1948, he has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him therefor to such officer before the commencement of this Constitution in the form and manner prescribed by that Government:

Provided that no person shall be so registered unless he has been resident in the territory of India for at least six months immediately preceding the date of his application.

Rights of citizenship of certain migrants to Pakistan.

7. Notwithstanding anything in articles 5 and 6, a person who has after the first day of March 1947, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India:

Provided that nothing in this article shall apply to a person who, after having so migrated to the territory now included in Pakistan, has returned to the territory of India under a permit for resettlement or permanent return issued by or under the authority of any law and every such person shall for the purposes of clause (*b*) of article 6 be deemed to have migrated to the territory of India after the nineteenth day of July 1948.

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